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Attorney for Petitioner
RONALD J. MCINTOSH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RONALD J. MCINTOSH,

Petitioner,

v.

ERIC H. HOLDER, Attorney General, and
ATTORNEY GENERAL FOR THE STATE
OF CALIFORNIA,

Respondents.

Case No.: 3:09-cv-00750 CRB

**PETITIONER'S MOTION SETTING
DATE FOR DISCOVERY FROM
DEFENDANTS AND ORDER**

Petitioner Ronald J. McIntosh hereby moves the Court for an order setting **February 17, 2014** as the date on which discovery in this case must be produced:

1. On December 20, 2014, the Court granted McIntosh's motion for discovery. The defendants have been represented throughout the course of proceedings by the Assistant Attorney General Pamela Critchfield.

2. On December 30, 2014, after receiving no communications from the State (and after the State's attorney insisted that McIntosh was required to issue subpoenas to other offices in order to obtain discovery), McIntosh requested that the Court enter a detailed order describing the items to be produced by the federal and state governments.

3. On January 7, 2014, the Court entered a detailed order for discovery.

4. On January 7, 2014, after being advised by AAG Critchfield that she had not contacted the federal government, McIntosh notified the Chief of the Criminal Division of the

United States Attorney's Office that the Court ordered discovery by the federal government. That notification was forwarded by the Criminal Chief to the Deputy Chief of the Strike Force, AUSA Wilson Leung.

5. On January 16, 2014, McIntosh forwarded a copy of the Court's detailed discovery order to AUSA Leung, the Deputy Chief of the Strike Force, and to Pamela Critchfield, the Assistant Attorney General who has represented the defendants in this case since its inception.

6. On or about January 16, 2014, McIntosh's counsel spoke to AUSA Leung, provided the background of the discovery motion, and discussed the steps AUSA Leung would take to obtain the information ordered to be disclosed. AUSA Leung advised McIntosh that Ms. Critchfield had not contacted the federal government about discovery (despite that fact that she is listed as counsel for AG Holder on this Court's and the Ninth Circuit's docket).

7. On January 23, 2014, McIntosh asked both Ms. Critchfield and Mr. Leung for the status of their responses to the discovery order. Neither has responded.

8. McIntosh requests that the Court order the state and federal governments to comply with the discovery **order on or before February 17, 2014.**

Dated: January 27, 2014

BOERSCH SHAPIRO LLP

/s/ David W. Shapiro

David W. Shapiro
Counsel for Petitioner
RONALD J. MCINTOSH

IT IS SO ORDERED:

Dated: January 29, 2014

